1948.

File No. O Iron and Steel/48
Legal Department
G **BRANCH**

Subject:— Opinions under the Iron and Steel (Control of Prices and Distribution) Order 1941

P.3/E

14/48

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Gen. 194 e.

C O N T E N T S.

Legal Department File No. O/ Iron & Steel / 48.

Sr. No.	R.I./O.No.	Subject	Pages.
		Opinions under the Iron & Steel (Control of Prices & Distribution) Order, 1941.	
1.	8351 31/8/1948.	Clauses 3 and 11 B. Whether Price Circular No. 1 applies to iron and steel imported from abroad --- Prosecution of M/s Allen Berry & Co.	1-2.
2.	O/3 3/1/1949.	******do******	3-6. (copies not made)

Rele. M.S.
13/7/56.

There is no doubt that the question whether or not the Price Circular No. 1 of 1946 which as specifically stated therein is based on Government of India notification No. Sec.-I/29 dated the 23rd March 1946, applies to iron and steel imported from abroad is purely legal and Mr. Mistry's version in the cross-examination that that Circular does not apply to such iron and steel should not ordinarily affect the decision. (cf. def. of "evidence" and " fact " in the Indian Evidence Act, 1872.)

2. Clause 3 of the Iron and Steel (Control of Production and Distribution) Order, 1941, lays down that the provisions of that order shall apply to all iron or steel of the categories specified in the Second Schedule to the said Order. In the categories of iron and steel specified in the Schedule, black plates, both plain and corrugated, have been specified. Clause 11 B empowers the Controller to fix the maximum prices at which Iron and Steel may be sold by a (a) producer, (b) stock holderincluding a controlled stock holder and (c) any other person or class of persons. It further provides that such price or prices may differ for iron and steel obtainable from different sources etc.

The order of the Controller No. Sec. 1/PI dated the 23rd March 1946 issued under that clause provides for the maximum prices of iron and steel specified in the Schedule to the order. Clauses 1 and 2 of the General Conditions specified in the

Order, provide ror the date of application of the prices in respect of sales of Producers and Controlled Stock holders and other persons. There is nothing in the other clauses to show that the order is not applicable to imported iron and steel.

Reading therefore the provisions of clauses 3 and 11 B with the said Controller's notification together, it appears that the imported M.S. black sheets in question would be covered by the said Controller's notification issued under clause 11 B.

The Labour Department is therefore requested to inquire whether the prosecution is still pending; if so, the Police Prosecutor may be asked to point out in the argument the irrelevancy of Mistry's version of Price Circular No. 1. If not and the prosecution has failed, Labour Department is requested to obtain a copy of the judgment for considering the question of appeal.

Id/-
30/8
Remembrancer of Legal Affairs.

U.O.R. to Labour Department, No. 8351
dated the 31st August 1948.

MSR.
13/7.